

# EXHIBIT 1

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

D'MARCO CRAFT and MICHAEL  
JACKSON,

Plaintiffs,

No. 17-cv-12752

v

CITY OF DETROIT, RICHARD  
BILLINGSLEA, HAKEEM  
PATTERSON, YOSSIF MANA,  
ANTOINE HILL, GLENN BINES,  
DAVID MAYS, II, NAIM BROWN,  
MICHAEL BAILEY, RANDALL  
CRAIG, and BRYAN MOORE,

Defendants.

MOTION

BEFORE THE HONORABLE GERSHWIN A. DRAIN  
UNITED STATES DISTRICT JUDGE  
Telephone conference  
Monday, May 11, 2020

APPEARANCES:

For the Plaintiffs: MR. SOLOMON M. RADNER  
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For the Defendant MR. CHARLES S. RUDY  
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1 APPEARANCES:

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None

**WITNESSES: DEFENDANT**

None

**OTHER MATERIAL IN TRANSCRIPT:**

Proceedings

4

**EXHIBITS:**IdentifiedReceived

None

1 Detroit, Michigan

2 Monday, May 11, 2020 - 10:49 a.m.

3 THE LAW CLERK: The Court calls the matter of Civil  
4 Action, Craft, et al versus Billingslea, et al. Case number  
5 17-cv-12752.

6 Counsel, please place your appearances on the  
7 record.

8 MR. RUDY: Good morning, your Honor. Charles  
9 Rudy. I am the moving party.

10 THE COURT: Okay.

11 MR. RADNER: Good morning, your Honor. Solomon  
12 Radner for the plaintiff.

13 THE COURT: Okay.

14 MR. KNOBLOCK: And good morning, your Honor.  
15 Michael Knoblock on behalf of all defendants, except for  
16 Richard Billingslea.

17 THE COURT: Okay. Is that, "Knoblock"?

18 MR. KNOBLOCK: "Knoblock", but it looks like  
19 "Knoblock".

20 THE COURT: Okay. "Knoblock". Okay.

21 And just because I'm curious, are you any  
22 relationship to the circuit judge?

23 MR. KNOBLOCK: Yes. Actually, he's my dad.

24 THE COURT: Okay. I was just wondering about  
25 that.

1 MR. KNOBLOCK: Uh-huh.

2 THE COURT: Okay. There's this, the motion to  
3 withdraw before the Court. Is there anything else to add?

4 I have -- I have read the motion. I've read the  
5 response. Is there anything either side wants to add?

6 MR. RUDY: Your Honor, Charles Rudy. I have  
7 nothing to add at this point. I would note Richard Billingslea  
8 is on the line.

9 THE COURT: Okay. Good.

10 MR. RUDY: Richard?

11 MR. BILLINGSLEA: Yes. I'm sorry. Can you repeat  
12 that?

13 MR. RUDY: Okay. All right.

14 THE COURT: Okay. Mr. Billingslea?

15 MR. BILLINGSLEA: Yes.

16 THE COURT: You understand what the motion is all  
17 about and everything; is that right?

18 MR. BILLINGSLEA: Yes.

19 THE COURT: Okay. All right. Let's see, Mr.  
20 Radner, do you have any comment at all?

21 MR. RADNER: I do have one very brief comment if I  
22 may.

23 THE COURT: Okay.

24 MR. RADNER: The City has repeatedly taken the  
25 position that Billingslea did nothing wrong. With that being

1 the City's position, I don't see how they can now take the  
2 position that they're not going to indemnify. But I don't know  
3 if that particular issue is before the Court.

4 Other than that, I would just rely on the papers  
5 that I submitted and leave it to the Court's discretion.

6 THE COURT: Okay.

7 All right. You know, I almost never prevent a  
8 lawyer from withdrawing on a case when he's not being paid, and  
9 we're at a stage in the case where it's a big hindrance or  
10 interference.

11 So, I'm going to go ahead and grant the motion to  
12 withdraw.

13 And, Mr. Billingslea, you're on the line, right?

14 MR. BILLINGSLEA: Yes, sir.

15 THE COURT: Okay. So, I want to tell you now  
16 that you really don't have a lawyer at this point because I'm  
17 allowing Mr. Rudy to withdraw.

18 And so, what I'm going to do is I'm going to give  
19 you 30 days to hire a lawyer. That's kind of like the normal  
20 standard time judges give people to get new lawyers.

21 And so, if you are unable to get a lawyer in 30  
22 days, you're going to have to represent yourself, and I don't  
23 recommend that to anybody, especially, in this kind of case  
24 where it's pretty complicated, pretty detailed, and, you know,  
25 there's a chance that you could be found liable on this case

1 and responsible for some extensive damages.

2 So, I'm going to give you 30 days to hire a  
3 lawyer.

4 And what I'm going to do is I'm going to stay all  
5 the proceedings on the case. We're not going to do anything on  
6 the case. I don't want anybody to file anything. I don't want  
7 anything to happen in the next 30 days.

8 And I'm going to set a new status conference date  
9 for June the 11th at 10 a.m.

10 And so, Mr. Billingslea, I don't know if we'll be  
11 live or we'll still be by phone, but you'll have to have a  
12 lawyer by that date because I'm going to recommence the  
13 proceedings on this case. We're going to pick up where we left  
14 off and just kind of keep moving.

15 So, again, I just want to urge you and encourage  
16 you to get a lawyer and have the lawyer appear either live or  
17 by phone for a status conference on June the 11th at 10 a.m.,  
18 and then we'll proceed further from there.

19 Any questions on behalf of anyone at this point?

20 MR. RUDY: Your Honor, you want me to -- this is  
21 Charles Rudy. Do you want me to submit a proposed order?

22 THE COURT: Yes.

23 MR. RUDY: Okay. I mean, I did submit one, but  
24 it's different. I didn't know the Court's ruling, so I will  
25 make changes and resubmit.



1 THE COURT: Okay. All right. That sounds good.  
2 And let me just say, let's see, Mr. Radner, I  
3 don't know where things are, but, you know, one thing that I  
4 don't want to stop discussions about is trying to settle the  
5 case.

6 Mr. Knoblock?

7 MR. KNOBLOCK: Yes, your Honor.

8 THE COURT: Are you in touch with somebody from  
9 corporation counsel on this case?

10 MR. KNOBLOCK: Yes.

11 THE COURT: Okay. And so, I really want you all  
12 to really think about and talk about trying to resolve the  
13 case, and see if there's any way to work it out just so that,  
14 you know, the case can be over with.

15 MR. KNOBLOCK: Sure.

16 THE COURT: And so, you all got my order granting  
17 in part, denying in part the summary judgment motion, and I  
18 don't know if there was any desire to appeal the qualified  
19 immunity thing.

20 But, anyway, settling the case is always the best  
21 way to resolve it.

22 And is there anything else we need to talk about  
23 on this matter?

24 MR. RUDY: Your Honor, Charles Rudy, again. The  
25 issue of appeal raises an interesting point in my mind, and

1 that is, while the case, the case is stayed for 30 days, it  
2 would be my understanding that that would not impact the  
3 timeline for taking an appeal to the Sixth Circuit.

4 THE COURT: When you say "not impact" are you  
5 asking if that time would be stayed also?

6 MR. RUDY: Yes.

7 THE COURT: Yes. Yeah. Yeah.

8 So, you know, in the order, and if the order that  
9 you draft and submit, Mr. Rudy, is not totally in line with  
10 what I have in mind, I may have my law clerk prepare an order.

11 But it's my intention that that window of time be  
12 stayed for purposes of appeal, too, primarily for Mr.  
13 Billingslea's benefit so he can get a lawyer who can get in on  
14 the case and kind of get up to speed a little bit.

15 MR. RUDY: That's why I asked, judge.

16 THE COURT: Yeah. Okay.

17 MR. RUDY: To make that clear.

18 THE COURT: All right. Good enough.

19 Anything else, gentlemen?

20 MR. BILLINGSLEA: This is Richard Billingslea. I  
21 do have one question.

22 THE COURT: Okay.

23 MR. BILLINGSLEA: I mean, you know, this is a hard  
24 time for everybody. I'm not working. So, in the event I'm not  
25 able to retain an attorney within the next 30 days, I mean,

1     what do I do as far as next?

2                   THE COURT: Well, you have to come to court, like  
3     I said, if we have a phone conference, you need to be on that  
4     phone conference, and you need to do the best you can to  
5     represent yourself, because, like I said, I've got to keep the  
6     case moving. It's a kind of old case now because it's been  
7     delayed for a number of different reasons, and I, like I said,  
8     I really have to just kind of keep the case moving. I can't,  
9     you know, sit around and wait for you to get a lawyer.

10                  MR. BILLINGSLEA: Yeah, I understand. I don't  
11     even want this case to sit around. I'm with you on that a  
12     hundred percent. But since, I mean, nobody is working. I  
13     don't know a set return time or date for myself.

14                  So, I mean, likelihood of being able to retain an  
15     attorney in the next 30 days is very low.

16                  THE COURT: Okay. Let me just tell you, then, do  
17     the best you can and make sure that you contact my office on  
18     June the 11th, because we're going to have another conference  
19     at 10 o'clock. And, like I said, the case is going to move  
20     forward. You're going to, like I said, do the best you can to  
21     represent yourself at this point.

22                  MR. BILLINGSLEA: Okay. What do --

23                  THE COURT: You might --

24                  MR. BILLINGSLEA: Where do I get the information  
25     from your office at?

1 THE COURT: Let's see, I can give you my case  
2 manager's phone number, and do you have a pencil?

3 MR. BILLINGSLEA: Yes.

4 THE COURT: The number is, Area Code 313-234-5213.  
5 Okay. Just call her and check in on June the 11th, and if you  
6 by chance have a lawyer, have the lawyer call in.

7 MR. BILLINGSLEA: Okay. What -- this person's  
8 phone number, what's her name again?

9 THE COURT: Her name is Teresa, spelled just like  
10 "Teresa", and her last name is McGovern, M-C-G-O-V-E-R-N.

11 MR. BILLINGSLEA: All right.

12 THE COURT: Okay?

13 MR. BILLINGSLEA: Yes.

14 THE COURT: All right, any --

15 MR. RUDY: Richard?

16 MR. BILLINGSLEA: Yes.

17 MR. RUDY: If you're unable to retain counsel and  
18 you speak with Ms. McGovern, I think, I would suggest you ask  
19 her, and I can provide you some assistance with this, I think  
20 you need to register with the court to receive internet  
21 notifications.

22 So, that's the way we keep track of what goes on  
23 in the court, and I really highly recommend it, and Ms.  
24 McGovern can give you some guidance; my secretary can give you  
25 some guidance. I'm inept at that, but you would need to

1 register online so that anything that's filed and any notices  
2 that go out would be sent to you. So keep that in mind.

3 MR. BILLINGSLEA: Okay.

4 MR. RADNER: Your Honor?

5 THE COURT: Okay. Yes?

6 MR. RADNER: Solomon Radner. I do have a question  
7 now.

8 If I want to reach out to Mr. Billingslea to  
9 discuss resolution with him, not on behalf of the City, but  
10 just on his own, for his own benefit, is there new contact  
11 information that we have for him. I know that when an attorney  
12 enters an appearance we get an e-mail address, a phone number,  
13 is there going to be any way I can have that information,  
14 because I do have a proposal for him.

15 THE COURT: Okay. Let's see, Mr. Rudy, do you  
16 have any thoughts about that? Any reaction to it?

17 MR. RUDY: Umm --

18 THE COURT: I know you're on your way out, but...

19 MR. RUDY: Yeah. Yeah.

20 I'd be happy to continue to put people in contact.  
21 Richard and I have continuing -- hopefully -- we have a good  
22 relationship right now.

23 THE COURT: Okay.

24 MR. RUDY: It will continue. I'd be happy to  
25 facilitate that, not participate, but I'd be happy to put Mr.

1 Radner and Mr. Billingslea in contact.

2 THE COURT: Okay.

3 And, I guess, at this point, because he's not  
4 represented, I suppose that there isn't any problem that I see  
5 -- well, no, I guess, there -- well, in terms of discussing the  
6 settlement, I suppose that's okay, but --

7 What do you think, Mr. Rudy, just kind of on your  
8 way out?

9 MR. RUDY: I don't see any ethical problems with  
10 that. I think that Richard is able to speak for himself on  
11 those issues of settlement very adequately.

12 THE COURT: Okay.

13 MR. RUDY: So, I don't see an ethical issue with  
14 that, but Mr. Billingslea is, you know, you've stayed the case  
15 for a month, but you've urged the parties to explore a  
16 settlement.

17 THE COURT: Yes.

18 MR. RUDY: So, I can see that there may be need  
19 for some contact. I don't think Mr. Billingslea has the  
20 wherewithal to be an active participant in settlement or at  
21 least a significant, but I don't see any ethical problem with  
22 that and I'll do whatever I can to facilitate.

23 THE COURT: Okay. Good. Thank you.

24 So --

25 MR. RADNER: What I have in mind --

1 THE COURT: Go ahead. I'm sorry.

2 MR. RADNER: No. What I have in mind is not  
3 particularly monetary. So, I would like to talk to Mr.  
4 Billingslea whenever that would be possible.

5 THE COURT: Okay.

6 MR. RADNER: So, I guess, he already has my  
7 number. I guess, I'll get his contact info from Mr. Rudy,  
8 which would be great.

9 THE COURT: Okay.

10 MR. RADNER: And other than that, the only other  
11 question I have as far as the stay goes, unless, of course, I  
12 don't understand the judge's ruling, I think that the order  
13 should also say that any motion to, for certificate of  
14 appealability, or interlocutory appeal should also be stayed 30  
15 days as well. Is that fair?

16 THE COURT: Yeah.

17 MR. RADNER: Okay.

18 THE COURT: Yeah. Thirty days --

19 MR. RADNER: I have nothing else from the  
20 plaintiffs.

21 THE COURT: Okay. Technically, it's a little  
22 more than 30 days because the next scheduled conference is June  
23 the 11th, so that's about 33 days, maybe or, no, today is the  
24 11th. Yeah. Yeah. So, it's 30 days.

25 Yeah. Okay. All right. Anything else?

1 MR. RUDY: No, sir.

2 MR. RADNER: Not from the plaintiff. Thank you.

3 MR. KNOBLOCK: No, your Honor. Thank you.

4 THE COURT: All right, then, we'll be in recess  
5 on the case until June the 11th at 10 a.m., unless there's some  
6 kind of resolution in the interim.

7 All right, gentlemen, thank you and I'll talk to  
8 you later.

9 MR. RADNER: Thank you.

10 MR. RUDY: Thank you, your Honor.

11 THE COURT: All right.

12 (At 11:05 a.m. proceedings concluded)

13 C E R T I F I C A T E

14 I, Marilyn J. Jones, Official Court Reporter of the  
15 United States District Court, Eastern District of Michigan,  
16 appointed pursuant to the provisions of Title 28, United States  
17 Code, Section 753, do hereby certify that the foregoing pages  
18 1-15, inclusive, comprise a full, true and correct transcript  
19 taken in the matter of D'Marco Craft, et al v Richard  
20 Billingslea, et al, 17-cv-12752 on Monday, May 11, 2020.

21  
22 /s/Marilyn J. Jones  
23 Marilyn J. Jones, CSR, RPR  
24 Federal Official Reporter  
25 231 W. Lafayette Boulevard  
Detroit, Michigan 48226

Date: June 12, 2020